



Republic of Macedonia
Ministry of Justice

Judiciary Reform Council

***SECOND SIX MONTHS REPORT
FOR IMPLEMENTATION OF THE STRATEGY
FOR JUDICIARY SYSTEM REFORM
WITH ANNEXES***

Skopje, January 2006

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FOR IMPLEMENTATION OF THE STRATEGY
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In accordance with the Strategy for Judiciary System Reform with Annexes, bodies responsible for its implementation are obliged to submit to the Judiciary Reform Council, Three Months Report for Implementation of the Strategy, and the Council is obliged each six months to produce Special Report for Implementation of the Strategy, which will be transmitted to the Government, the Assembly, judiciary institutions and will be published in the public domain. In March 2004, the Ministry of Justice submitted to the Judiciary Reform Council Report for Realized Activities foreseen in the Action Plan for Implementation of the Strategy. First six months report was adopted in July 2005.

In period since it was adopted First Six Months Report, there were realized numbered activities according to Action Plan for Implementation of the Strategy, according to which it has been harmonized other strategic and working documents of the Government of the Republic of Macedonia.

I. Adopting Amendments of the Constitution of Republic of Macedonia

One of the highest priorities in the framework of the Judiciary System Reform in the Republic of Macedonia is adopting of the Amendments of the Constitution of Republic of Macedonia. Part of these activities has been elaborated in First Six Months Report for Implementation of the Strategy. Including period that was encompass with First Six Months Report, there were realized following activities:

1. For such purpose it was established work group consist of representatives of the Ministry of Justice, judiciary bodies, political parties, as well as other legal experts. As basis for commencing process of amending the Constitution of Republic of Macedonia, it was prepared comparative review of constitutional provisions that regulate judiciary authority.

2. First stage of the procedure for adopting the Amendments of Constitution of Republic of Macedonia has ended with adopting Proposal for admission to procedure for amending of the Constitution that was done on session of the Assembly of the Republic of Macedonia held on 18 May 2005. The Government was obliged to prepare Draft Amendments in period of 60 days.

In the timeframe of Second Six Months Report, while procedure for amending the Constitution of Republic of Macedonia was ongoing, there were realized following activities:

1. According to directions determined with Proposal for admission to procedure for amending the Constitution and discussions in the Commissions and Assembly session, there were prepared Draft Amendments that have been adopted on 04 August 2005. This text has consisted 15 draft amendments.
2. Key part of procedure for amending Constitution was public discussion on Draft Amendments. For purpose of wider informing of citizens, Draft Amendments of the Constitution of Republic of Macedonia was published in all daily newspapers in the Republic of Macedonia. Participants in public discussion about Draft Amendments of the Constitution of Republic of Macedonia have been large number of state bodies, political parties, non-governmental organizations, university professors and individuals, as well as experts engaged by international institutions (Council of Europe - Venice Commission, Regional Project CARDS 2003, USAID/DPK, Assess Expert Mission of the European Commission in the Republic of Macedonia held from 3-9 July 2005) which submitted to the Ministry of Justice their thoughts, notes, suggestions and concrete proposals. In period from 05 August to 05 October 2005 have been held eight public discussions: three public discussions of judges of three appellate courts and primary courts on their territory; one public discussion of the judges of the Supreme Court of the Republic of Macedonia, Public Prosecutor Office of the Republic of Macedonia and Republic Court Council; expert discussion with participation of judges of the Constitutional Court of the Republic of Macedonia, experts, university

professors and representatives of the Venice Commission; public discussion organized by the Association of judges of the Republic of Macedonia; public discussion organized by Forum for Euro-Atlantic Integration in the Republic of Macedonia (FEIM), as well as public discussion organized by Bar of the Republic of Macedonia. Since it was completed public discussion, the Ministry of Justice has prepared all inclusive report for its progress where were listed all stated thoughts and suggestions.

3. Since it was included suggestions and proposals from public discussion, Draft Amendments was transmitted for adoption to the Assembly of the Republic of Macedonia. They were adopted by the Assembly of the Republic of Macedonia on 07 December 2005.
4. On same session when were adopted the Amendments, it was adopted Constitutional Law for Implementation of the Amendments of the Constitution. With the Constitutional Law have been determined deadlines for adopting laws important for implementation of the judiciary reforms, foreseen with Action Plan for Implementation of the Strategy for Reform of Judiciary System, National Program for approximation to European legislation and Annual Program for work of the Government of Republic of Macedonia.

II. Law on Academy for Training Judges and Prosecutors

One of the key laws in field of judiciary is the Law on Academy for Training Judges and Prosecutors. With this law, apart from organization aspects for establishing and functioning of the Academy, it was determined modalities for continuing education and initial training of the judges and public prosecutors. This law was adopted in January 2006.

It has been undertaken series of measures and activities for practical implementation of the Law. Most substantial of them is providing premises for the Academy. For this purpose, the Ministry of Justice provide from the Ministry of Defense appropriate premises. Furthermore, it was provided equipment for these premises. Implementation of this activity is ongoing and it is expected to be completed as soon as possible.

III. Adopting and preparing other law projects

Since it has been adopted the Amendments of Constitution, the Ministry of Justice has intensified activities for preparing the Law on Courts and Law on Court Council of the Republic of Macedonia. For that purpose, it has been prepared and put in procedure, in first phase, Proposal for adopting Law on Courts, Proposal for adopting Law on Court Council of the Republic of Macedonia, Proposal for adopting Law on Misdemeanors and Proposal for adopting Law on Administrative Disputes.

For purposes of harmonization of legislation in the field of financing of judiciary with the Law on Academy for Training of Judges and Prosecutors, it has been prepared and put in government procedure, in first phase, Proposal of the Law on Amending Law on Court Budget with Draft Law.

In addition, the Ministry of Justice dedicates special attention on the Law on Mediation. It has been established work group which work on preparation of this law, which according to Program for work of the Government will be transmitted in first phase in second quarter of the 2006.

It is very important to be mentioned that it has been adopted the Law on Execution of Sanctions and the Law on Litigation Procedure. The Law on Execution of Sanctions reforms the penitentiary system through reorganization of the Department for Execution of Sanctions and network of prisons in the Republic of Macedonia, by which it was enhanced complete system for execution of sanctions in the Republic of Macedonia. In the Law on Litigation Procedure were incorporated normative solutions that provide appropriate legal mechanism for faster and more efficient proceeding of the courts in civil cases.

IV. Realization of activities determined in the Law on Enforcement

In accordance with obligations determined with the Law on Enforcement, the Ministry of Justice approach to preparation of regulations and organization of examination for executors. In the timeframe determined by the law, there were adopted following regulations:

- Regulations for program and examination of executors;
- Regulations for evidence of the executors;

- Regulations for equipment and premises needed for undertaking enforcement;
- Regulations for form and contents of authorization of executors and procedure for issuing and seizing;
- Regulations for Tariff of executors; and
- Regulations for form and evidence of received requests for enforcement.

Additionally, three left Regulations are preparing:

- Regulations for determining number of executors for territory of the primary courts;
- Regulations for determining period of term of office and number of assistant executors which can work simultaneously under responsibility of one executor; and
- Regulations for form, contents and use of enforcement order.

Regarding examination of the executors, the Minister of Justice has established the Commission for examination, and it scheduled first examination for February 2006.

V. Adopting regulations according to the Law on Public Prosecutor

According to the Law on Public Prosecutor, the Ministry of Justice has prepared and transmitted for publishing following regulations:

- Regulations for payment of duties in the public prosecutor office;
- Regulations for contents and form of official license of the Public Prosecutors and Deputy Public Prosecutors; and
- Regulations for design and conditions to be wear special clothes (gown).

VI. Activities on promotion of realized activities in the framework of the Strategy for Reform of Judiciary System

In cooperation with FIOO – Macedonia, it has been published the Strategy for Judiciary System Reform with Annexes and Action Plan for Implementation. This publication consist also First Six Months Report for Implementation of the Strategy. Also it has been published the Constitution of the Republic of Macedonia with all until now adopted amendments.

As extension of this Project, in first quarter of this year it will be published all documents that outcome from procedure of adopting the Amendments of Constitution: Proposal for approaching to amending the Constitution of the Republic of Macedonia, Draft Amendments of the Constitution of the Republic of Macedonia, Report on Draft Amendments of the Constitution of the Republic of Macedonia, as well as adopted Amendments of the Constitution of the Republic of Macedonia.

VII. Activities connected with introducing IT in judiciary

In the framework of the process of introducing IT in judiciary, it has been commenced activities for establishment of Judiciary Integrated Information Center. For this purpose it has been provided premises (premises of former Agency on Privatization) and it is ongoing process of supplying IT hardware and networking all judiciary institution.

MINISTER OF JUSTICE

Meri Mladenovska Gorgievska

(Signed and sealed)

I. CONSTITUTION

Adopted

1. Amendments XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX of the Constitution of Republic of Macedonia
2. Constitutional Law for implementation of the Amendments XX to XXX of the Constitution of Republic of Macedonia

II. LAWS

Adopted:

1. Law on Criminal Procedure – clarified text
2. Law on Institution
3. Law on General Administrative Procedure
4. Law on Enforcement
5. Law on Protection Witnesses
6. Law on Usage of Flags of Members of Communities in the Republic of Macedonia
7. Law on Litigation Procedure
8. Amendments on the Law on Voter Lists
9. Amendments on Criminal Code
10. Law on Referendum and Other Types of Direct Participation of Citizens
11. Amendments on Law on Public Servants
12. Law on Public Servants (clarified text) published in Official Gazette
13. Law on Execution of Sanctions
14. Law on Free Approach to Information of Public Interest
15. Law on Academy for Training of Judges and Prosecutors
16. Law on Court Fees

In procedure before the Assembly

17. Law on Election (second phase)
18. Law on Prevention Conflict of Interests (first phase)
19. Amendments on Law on Court Budget (first phase)
20. Law on Government (first phase)

In procedure before the Government

21. Law on Courts (second phase)
22. Law on Court Council (second phase)
23. Law on Misdemeanors (second phase)
24. Law on Administrative Disputes (second phase)
25. Law on Non-Governmental Organizations and Foundations

Working texts

26. Law on Judge's Salaries
27. Law on Organization and Work of Bodies of State Administration
28. Law on Use of Languages of Members of Communities in the Republic of Macedonia
29. Law on Bar
30. Law on Notary

III. REGULATIONS

Adopted

1. Regulations for program and examination of executors, no.07-414/24 dated 18 October 2005;
2. Regulations for evidence of the executors no.07-414/22 dated 18 October 2005;
3. Regulations for equipment and premises needed for undertaking enforcement no. 07-414/25 dated 18 October 2005;

4. Regulations for form and contents of authorization of executors and procedure for issuing and seizing no. 07-414/23 dated 18 October 2005;
5. Regulations for Tariff of executors;
6. Regulations for form and evidence of received requests for enforcement;
7. Regulations for trade registry and way of registration in trade registry;
8. Regulations for form and contents of license of the Administrative Inspector, as well as procedure for its issuing and seizing, as it were determined in the article 8 of the Law on Administrative Inspection;
9. Regulations for payment of duties in the public prosecutor office;
10. Regulations for contents and form of official license of the Public Prosecutors and Deputy Public Prosecutors;
11. Regulations for design and conditions to be wear special clothes (gown).